

REMARKS/ARGUMENTS

Amendments

Before this Amendment, claims 50-54 were present for examination. Claims 1-49 were previously cancelled. Claims 50-54 are amended. Therefore, claims 50-54 are present for examination, and claim 50 is the independent claim. Applicants respectfully request reconsideration of this application.

The Final Office Action ("Office Action") rejected claims 50-54 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Liston, U.S. 3,817,425 ("Liston") in view of the cited portions of Hamblin, U.S. 6,607,522 ("Hamblin").

35 U.S.C. §112 Rejection

The Office Action initially rejected claims 50-54 under 35 U.S.C. §112 as being indefinite because claim 50 did not recite a coupling feature. Since claims are drafted from the perspective of one of ordinary skill in the art, it was believed that one of ordinary skill in the art would understand the two device to have been coupled. Nevertheless, claim 50 has now been amended to recite "coupling said first syringe with a second syringe, said second syringe having a volume size smaller than the volume size of the first syringe". It is believed that this is readily apparent from the specification and thus does not add new matter.

Furthermore, to maintain clarity of the claim, the aspect of "said second syringe having a volume size smaller than the volume size of the first syringe" has been stricken from the subsequent element.

Claim 50 has also been amended to recite "manual" manipulation, as will be discussed below. Finally, claims 50-54 have been amended to recite "substance comprising LCP" rather than just "LCP" in order to maintain consistency with the terminology used in the preamble.

35 U.S.C. §103(a) Rejection, Liston, Hamblin

The Office Action initially rejected claims 50-54 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Liston in view of the cited portions of Hamblin. The Office Action maintains that the Liston reference teaches manipulation of the second syringe. Applicant respectfully disagrees since manipulation refers to the manual handling of a syringe. Such manual handling is not possible with the system taught by Liston. In fact, Liston appears to instruct that the dispensing should take place with the mechanized device of Liston.

To be explicitly clear and to avoid any confusion about the use of the word manipulation, claim 50 has now been amended to explicitly recite the phrase "manual manipulation." Such manual manipulation is clearly not taught by Liston. Similarly, claim 50 has been amended to explicitly recite manual dispensing. Therefore, claim 50 is believed to be in condition for allowance. Dependent claims 51-54 are believed to be in condition for allowance for at least the same reasons that claim 50 is allowable.

Applicant appreciates the examiner's detailed office action which is always helpful in advancing prosecution of applications.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

William F. Vobach

William F. Vobach
Reg. No. 39,411

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
WFV:klb
61256779 v1